

R430-70-21. TRANSPORTATION.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
- (a) be enclosed;

Rationale / Explanation

The purpose of this rule is to ensure that children are not at risk for falling out of an open vehicle while it is in motion, or being thrown from the vehicle in an accident.

Enforcement

Enclosed means that the vehicle has a top/roof. It does not mean the windows must be rolled up.

Always Level 2 Noncompliance.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
- (b) be equipped with individual, size appropriate safety restraints, properly installed and in working order, for each child being transported;

Rationale / Explanation

The purpose of this rule is to prevent children from being killed in an automobile accident. Motor vehicle crashes are the leading cause of death of children in the United States, and children who are not buckled in appropriate restraints are 11 time more likely to die in a crash than children who are properly restrained. CFOC, pgs. 61-62 Standard 2.033; pgs. 274-275 Standard 5.236

Enforcement

“Safety restraints” refers to seat belts, car seats, booster seats, etc. used individually, and as required by Utah law. Utah code states the following regarding the use of child restraints:

41-6a-1803. Driver and passengers – Seat belt or child restraint device required.

- (1) The operator of a motor vehicle operated on a highway shall:
 - (a) wear a properly adjusted and fastened safety belt; and
 - (b) provide for the protection of each person five years of age up to 16 years of age by:
 - (i) using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; or
 - (ii) securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

If the vehicle is equipped with individual, size appropriate safety restraints, but they are not used, or not used individually for each child, cite R430-70-21(3)(c), not this rule.

Always Level 2 Noncompliance.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
- (c) have a current vehicle registration and safety inspection;
 - (d) be maintained in a safe and clean condition;

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Rationale / Explanation

The purpose of this rule is to ensure that children are transported in a safe vehicle that meets all legal requirements for the operation of a vehicle in Utah. CFOC, pg. 274 Standard 5.235; pg. 276 Standard 5.240

Enforcement

No vehicle used by multiple children can be expected to be free of all debris. Maintaining vehicles in clean condition should allow for normal daily use. This rule applies to situations in which there is a buildup of dirt or debris such that it endangers children's health or safety. For example, if there is so much debris that it causes a tripping hazard, or if there is a buildup of soil, food, or other debris that provides a place where disease-causing bacteria can grow.

Level 1 Noncompliance: If the vehicle has a serious safety problem. For example: if there are broken windows with exposed glass edges, broken doors that do not close, seats have become unattached from the floor of the vehicle, carbon dioxide coming into the vehicle due to a faulty muffler, or faulty brakes.

Level 3 Noncompliance: If the vehicle is not clean, or doesn't have documentation of a current registration.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:**
(e) maintain temperatures between 60-90 degrees Fahrenheit when in use;

Rationale / Explanation

Some children have problems with temperature variations. Whenever possible, opening windows to provide fresh air to cool a hot interior is preferable before using air conditioning. Over-use of air conditioning can increase problems with respiratory infections and allergies. Excessively high temperatures in vehicles can cause neurological damage in children. Temperatures in hot cars can reach dangerous levels within 15 minutes. CFOC, pgs. 60-61 Standard 2.029; pg. 276 Standard 5.238

Enforcement

Level 2 Noncompliance: If the temperature in a vehicle is 100 degrees Fahrenheit or higher, or 0 degrees Fahrenheit or lower.

Level 3 Noncompliance otherwise.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:**
(f) contain a first aid kit; and

Rationale / Explanation

Caregivers must be able to respond to the needs of children in case of injury, which requires that adequate emergency supplies be available in all conditions, including when children are being transported. CFOC, pg. 275 Standard 5.237; pg. 63 Standard 2.038

Enforcement

Always Level 3 Noncompliance.

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- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
(g) contain a body fluid clean up kit.

Rationale / Explanation

Children and adults may unknowingly be infected with infectious agents such as hepatitis B, HIV, or other infectious agents found in blood. Blood and body fluids containing blood (such as water discharges from injuries) pose the highest potential risk, because bloody body fluids contain the highest concentration of viruses. In addition, the hepatitis B virus can survive in a dried state for at least a week and perhaps even longer. Some other body fluids such as saliva contaminated with blood or blood-associated fluids may contain live viruses but at lower concentrations than are found in blood itself. Many other types of infectious germs may be contained in human waste and other body fluids. Because many people carry such communicable diseases without having symptoms, and many are contagious before they experience symptoms, adults and children alike need to be protected by following safe procedures for handling body fluids. CFOC, pgs. 101-102 Standard 3.026; pgs. 28-29 Standard 1.033

Enforcement

Always Level 3 Noncompliance.

- (2) At least one adult in each vehicle transporting children shall have a current Red Cross, American Heart Association, or equivalent first aid and CPR certification.

Rationale / Explanation

To ensure the health and safety of children in a child care setting, including during off-site activities, someone who is qualified to respond to common life-threatening emergencies must be present at all times. The presence of such a qualified person can mitigate the consequences of injury and reduce the potential for death from life-threatening conditions. Having these emergency skills, and the confidence to use them, are critically important to the outcome of an emergency situation. CFOC, pgs. 21-22 Standard 1.026; pg. 60 Standard 2.029.

Enforcement

*If a provider indicates they **do not have** someone in all vehicles with the required first aid and/or CPR certification cite this rule. If the provider indicates they **do have** any of these records for the required individuals, but **cannot find them** during an on-site visit, cite R430-70-9(4)(g) **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite this rule.*

Level 2 Noncompliance: If there is a life-threatening emergency and there is not a certified person, and the group does not have a phone with them to call 911.

Level 3 Noncompliance otherwise.

- (3) The adult transporting children shall:
(a) have and carry with them a current valid Utah driver's license, for the type of vehicle being driven, whenever they are transporting children;

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Rationale / Explanation

Driving children is a significant responsibility. The purpose of this rule is to ensure that anyone who drives children is competent to drive the vehicle being driven. CFOC, pgs. 60-61 Standard 2.030

In Utah, a person who drives a vehicle designed to carry 16 or more passengers, including the driver, is required to have a commercial driver's license (CDL). See Utah Code, Title 53, Section 3, Subsection 102(4) & (5).

Enforcement

Level 1 Noncompliance: If a driver has never had a valid driver's license from any state.

Level 2 Noncompliance: If driver has, or has had, a non-commercial license from any state, but the vehicle being driven is commercial (requiring a commercial driver's license) and the driver doesn't have one.

Level 3 Noncompliance otherwise.

(3) The adult transporting children shall:

- (b) have with them written emergency contact information for all of the children being transported;**

Rationale / Explanation

The purpose of this rule is to ensure that children's contact and emergency information is available any time they are being transported. In the event of an accident or a missing child, both caregivers and emergency response personnel may need access to children's emergency and contact information. CFOC, pg. 275 Standard 5.237

Enforcement

This rule is cited when child information is not in the vehicle during routine transportation, such as when children are being picked up or dropped off from school each day. If a provider does not have needed information for children during field trips or other non-routine transportation, cite R430-70-20(5)(b), not this rule.

For the purposes of this rule, transporting children includes walking them to or from school.

Level 1 Noncompliance: If a lack of this information results in a problem in an emergency situation.

Level 3 Noncompliance otherwise.

(3) The adult transporting children shall:

- (c) ensure that each child being transported is wearing an appropriate individual safety restraint as required by Utah law;**

Rationale / Explanation

The purpose of this rule is to prevent children from being killed in an automobile accident. Motor vehicle crashes are the leading cause of death of children in the United States, and children who are not buckled in appropriate restraints are 11 times more likely to die in a crash than children who are properly restrained. CFOC, pgs. 61-62 Standard 2.033; pgs. 274-275 Standard 5.236

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"Safety restraints" refers to seat belts, car seats, booster seats, etc. used individually, and as required by Utah law. Utah code states the following regarding the use of child restraints:

41-6a-1803. Driver and passengers – Seat belt or child restraint device required.

- (1) *The operator of a motor vehicle operated on a highway shall:*
 - (a) *wear a properly adjusted and fastened safety belt; and*
 - (b) *provide for the protection of each person five years of age up to 16 years of age by:*
 - (i) *using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; or*
 - (ii) *securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.*

Always Level 2 Noncompliance.

- (3) **The adult transporting children shall:**
 - (d) **ensure that no child is left unattended by an adult in the vehicle;**

Rationale / Explanation

Supervision of children is basic to the prevention of harm. Parents have an expectation that their children will be supervised when in the care of the provider. This includes supervising children during transport. The placement of a child in a vehicle does not eliminate the need for supervision. Potential dangers when children are left unattended in vehicles include a child leaving the vehicle, a child taking the vehicle out of gear or taking the park brake off, a child being taken from a vehicle by an unauthorized individual, or a child dying from heat stress in a hot car. (Temperatures in hot cars can reach dangerous levels within 15 minutes.) CFOC, pgs. 58-59 Standard 2.028; pgs. 60-61 Standard 2.029; pg. 6 Standard 1.004; pg. 60 Standard 2.029

Enforcement

Always Level 2 Noncompliance.

- (3) **The adult transporting children shall:**
 - (e) **ensure that all children remain seated while the vehicle is in motion;**

Rationale / Explanation

The purpose of this rule is to ensure that children are not injured by falling or being thrown when a vehicle moves, such as in a sudden stop or start. Moving children may also distract the driver and cause an increased risk of an accident. CFOC, pg. 63 Standard 2.037

Enforcement

Always Level 2 Noncompliance.

- (3) **The adult transporting children shall:**
 - (f) **ensure that keys are never left in the ignition when the driver is not in the driver's seat; and,**

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Rationale / Explanation

The purpose of this rule is to prevent children from starting and/or moving a vehicle in the absence of a responsible driver.

Enforcement

Always Level 2 Noncompliance.

- (3) The adult transporting children shall:**
(g) ensure that the vehicle is locked during transport.

Rationale / Explanation

The purpose of this rule is to prevent an intruder from getting into the vehicle, and to prevent children from accidentally falling out of the vehicle or opening a door before a vehicle comes to a stop.

Enforcement

This rule does not apply to commercial busses that will not go into drive gear if the bus door is locked.

Always Level 3 Noncompliance.